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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the initial report of Montenegro*

I. General information

1. Please clarify whether civil society, including non-governmental organizations, was involved in the preparation of the initial report of Montenegro, and if so, in what way.

2. Please provide examples of any court cases in which the provisions of the Covenant have been invoked before and/or applied by domestic courts.

3. Please provide information on: (a) cases of violations of economic, social and cultural rights considered by the Protector of Human Rights and Freedoms (Ombudsman); (b) amendments to the Law on the Ombudsman currently under discussion, and whether they are in line with the principles relating to the status of national institutions (the Paris Principles); and (c) whether the Ombudsman has submitted an application to the International Coordinating Committee of National Human Rights Institutions for accreditation as the national institution for the promotion and protection of human rights.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2 (1) – Maximum available resources and international cooperation

4. Please provide information on the impact of measures taken to combat corruption in the State party, particularly in the areas of construction and spatial planning, education, health care and public procurement. Additionally, please provide information on investigations, prosecutions and convictions for corruption, including cases involving officials, and on protection afforded to persons who report cases of corruption.

5. While noting that the main goal of the bilateral economic trade agreements concluded by the State party is to enhance and promote existing and new business contacts (E/C.12/MNE/1, paras. 9–11), the Committee would appreciate information on the impact of the agreements on the implementation of economic, social and cultural rights. Please also

* Adopted by the pre-sessional working group at its fifty-third session (26–30 May 2014).

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provide further information on international economic and technical assistance received and/or provided by the State party and on the impact they have on the full realization of each of the Covenant rights.

Article 2 (2) – Non-discrimination

6. Please clarify how the State party assesses and monitors progress in the implementation of the provisions of the Covenant, particularly in relation to the socioeconomic situation of disadvantaged and marginalized groups.

Article 3 – Equal rights of men and women

7. Please provide information on the impact of the National Action Plan for Gender Equality 2008–2013 on women's enjoyment of economic, social and cultural rights, including any progress achieved in increasing women's representation in decision-making positions in the public and private sectors and in eliminating traditional stereotypes regarding the societal roles of women and men. Please also provide information on how the National Action Plan for Gender Equality 2013–2017 will contribute to the enhancement of women's economic, social and cultural rights, and on the financial and human resources allocated for the effective implementation of the Plan.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – The right to work

8. Please provide information on the impact of the measures taken to assist harder-to-employ persons, as outlined in paragraph 46 of the State party report. Given the high rate of poverty and unemployment in rural areas and in the north of the State party, has the State party adopted any specific and targeted measures to address regional inequalities?

Article 7 – The right to just and favourable conditions of work

9. Please provide information on the gender pay gap by sector, and indicate what specific measures are being taken to ensure that the principle of equal pay for work of equal value is guaranteed in practice.

Article 8 – Trade union rights

10. Please provide information on the legal rules applicable in the case of the formation of trade unions in police and government bodies. Please also provide information on the practical enjoyment of the right to strike in police and other government bodies.

Article 9 – The right to social security

11. Please indicate what measures have been taken to raise the minimum levels of old-age pension, unemployment benefits and social assistance for persons living alone, which are reportedly manifestly inadequate.

12. Please clarify what measures are being taken to ensure that displaced and internally displaced persons, as well as persons who have acquired the status of foreigner, do in practice have access to social assistance. Are any specific steps being taken to simplify the procedural requirements for them to have access to social security?

Article 10 – Protection of the family, mothers and children

13. Please provide information on: (a) the legal age of marriage for both men and women; (b) the extent to which arranged or early marriage is practised, including among ethnic minority groups; and (c) the impact of measures taken to reduce the prevalence of early marriage.

14. Please provide information on: (a) the definition of a victim of trafficking in persons under domestic law, clarifying whether the legal status of victim of trafficking is linked to the outcome of criminal proceedings; (b) the number of victims of trafficking in persons who have been provided with protection, compensation and other forms of assistance; and (c) the nature and extent of complicity of State officials in trafficking in persons, as well as related investigations, prosecutions and sanctions imposed.

15. Please provide information on the nature and extent of child labour, in particular among Roma children. Please also clarify the steps taken to ensure that all children in the State party are registered and have a birth certificate.

16. Please provide information on legal measures taken to ensure that corporal punishment is prohibited in all settings, including the home and alternative care settings.

17. Please outline the concrete results achieved through the implementation of the Development Strategy of social welfare of the elderly 2008–2012 (E/C.12/MNE/1, paras. 156 and 157).

18. Please provide information on the number of complaints of domestic violence, including marital rape and sexual abuse, the sanctions imposed on perpetrators and the protection and assistance provided to victims of domestic violence.

Article 11 – The right to an adequate standard of living

19. Please provide information on the number of persons who are homeless or inadequately housed and without access to basic infrastructure and services such as water, heating, waste disposal, sanitation and electricity, as well as the number of persons living in overcrowded or structurally unsafe housing. In particular, please outline the measures being taken by the State party to improve the housing and sanitary situation in Konik camp and the concrete results achieved. Please also clarify what measures are being taken to find alternative housing for the persons currently living in the Zvjerinjak settlement, following the court judgment ordering the demolition of their homes.

20. Please indicate what concrete results have been achieved through the implementation of the Poverty Alleviation and Social Inclusion Strategy 2007–2011.

Article 12 - The right to physical and mental health

21. Please provide information on the prevalence of mental health issues in the State party and indicate the proportion of public expenditure on mental health care. Are any measures being taken to introduce community-based mental health services as an alternative to institutionalization?

22. Please clarify whether sexual and reproductive health education remains optional at the secondary school level. What measures are being taken to increase access to contraceptives and sexual and reproductive health services and information by marginalized communities, such as persons with disabilities, persons of Roma, Ashkali or Egyptian origin, displaced persons and refugees?

Articles 13 and 14 – The right to education

23. Please provide statistical information on school dropout rates at various levels of education, disaggregated by sex, region, ethnicity and urban/rural areas, and on the impact of measures adopted to reduce dropout rates. What measures are being taken to raise awareness among communities with high school dropout rates of the importance of education for their children's future prospects?

Article 15 – Cultural rights

24. Please clarify how the Fund for Minorities operates (E/C.12/MNE/1, para. 357), and indicate how funds are allocated and whether there is an independent oversight mechanism to ensure the effective implementation of projects.

25. Please indicate the measures taken to ensure the greatest possible access to the Internet.